

**Statement of Brandon Judd
On Behalf of the National Border Patrol Council
Before the U.S. House of Representatives Committee on Homeland Security
Subcommittee on Oversight, Investigations, and Accountability
Hearing Entitled: “Biden’s Growing Border Crisis:
Death, Drugs, and Disorder on the Northern Border”
March 28, 2023**

Chairman Bishop, Ranking Member Ivey and distinguished Members of the Subcommittee, I would like to thank you for inviting me to testify before you today in order to communicate the resource gaps and vulnerabilities that currently exist along our northern border with Canada.

My name is Brandon Judd and I currently serve as the President of the National Border Patrol Council, where I represent approximately 16,000 Border Patrol field agents and support staff. I have more than 25 years of experience as a Border Patrol Agent and a thorough understanding of the issues and policies affecting border security. During my career as a Border Patrol Agent, I have been assigned to two Northern Border Sectors – Houlton, Maine and Havre, Montana.

While nearly all of the focus in recent years has been on our southern border with Mexico, I applaud the Committee for holding this hearing and conducting much needed, and timely oversight of the lack of resources and the very real vulnerabilities that exist along our northern border.

Our 5,500-mile land and water border with Canada is well over twice the length of our border with Mexico. Even with such a vast amount of territory to patrol, we have only about 2,000 Border Patrol Agents assigned to the northern border. Given the 24/7 nature of our work, which is spread across three shifts per day, this leaves us with only about 450 Agents on duty at any one time. That is all.

Our northern border has some of the most rugged conditions you can imagine, both in terms of topography as well as weather, and we have to patrol it without the infrastructure we have along the southern border. We have many Agents who lack the ability to simply communicate with one another in the field. Even when they can talk, backup might be more than an hour away if they request assistance.

To help the Subcommittee better understand the threat landscape, last year about 107,000 individuals were denied entry into the U.S. from Canada. About 40,000 of these individuals were Canadians and were most likely denied entry because of a criminal record. The other 60,000 were not from Canada and tried to enter our country through the front door but were denied. Many of them will now try to enter the U.S. between the ports of entry where limited personnel resources are spread razor thin.

Furthermore, Canada has a more permissive visa system than we have in the U.S. Let me give you two examples. First, Mexican citizens can travel to Canada without a visa. Mexican

citizens can land in Toronto and illegally cross into New York in just a couple of hours. They don't have to contend with security measures such as fencing, aerostats, or drones, like we have on the southern border. Individuals crossing illegally can cross either on land or even more easily by boat on one of the Great Lakes if the weather is good.

Second, Chinese tourists or students seeking entry to the U.S. are required to provide extensive documentation including being interviewed at a U.S. consulate. However, the bar for a visa to Canada is lower. They can land in Vancouver and, in a matter of hours, illegally cross our border by land or by boat into Washington State.

Canada is a sovereign country and they are free to determine who is eligible to enter their country, be granted asylum, or resettled as a refugee. Last year Canada processed over 4.8 million visa applications. This is for a country of 38 million people. In contrast, we processed 6.8 million visa applications, and we have a population of 330 million. So the number of travelers to Canada is significant.

The reality is that while the vast majority of those visa applicants to Canada are likely law abiding individuals, there are many that see entry to Canada as a gateway to the U.S. given our more stringent visa standards.

Last year, Border Patrol apprehended over 2,000 people along the northern border. However, because we lack the personnel and situational awareness on the northern border, and due to the forced deployment of Agents stationed on the northern border down to the southern border – in response to President Biden's border crisis – we are apprehending only a small fraction of illegal crossings.

While I have described a number of vulnerabilities and challenges we're contending with along the northern border, Congress does have the ability to dramatically improve border security, situational awareness and Agent safety along both the northern and southern borders.

Border Patrol staffing currently hovers around 19,300 Agents nationwide. In February, Tucson Sector Chief John Modlin testified before the House Oversight and Accountability Committee that Border Patrol needs at least 22,000 Agents to deal with the current crisis.

Increasing net personnel by 2,700 agents is going to take a tremendous effort that will require us to do two things simultaneously. First, we need to keep the Agents we already have and recruit more Agents. Sounds simple, but we have a problem. Border Patrol's attrition rate is currently 6.9 percent which is 72 percent higher than the Office of Field Operations. Furthermore, our attrition rate is expected to climb to over 9 percent by 2028.

The primary reason we cannot adequately recruit and retain Agents is that we lack pay parity with other federal law enforcement agencies.

If we continue to hemorrhage personnel, there is no way we will secure the border. We have spent billions on fencing, aircraft, and technology over the course of my career. All of these

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investments are important - and I want to thank you for it. However, we have not sufficiently invested in our agents, which are the most important element in border security.

Last Congress, Senators Portman, Sinema, Lankford and Kelly introduced S. 4775 which has a provision, section 4, to address our recruitment and retention issues. I know the Committee is working on significant reform legislation to address the border crisis and we greatly appreciate your efforts. I respectfully ask that you take action and that action must include addressing our recruitment and retention issues.

I thank the Subcommittee for inviting me here today and I look forward to answering any questions you may have.



Congress of the United States
House of Representatives
Washington, DC 20515

March 24, 2023

The Honorable Dan Bishop
Committee on Homeland Security
Chairman, Subcommittee on Oversight,
Investigations, and Accountability
U.S. House of Representatives

The Honorable Glenn Ivey
Committee on Homeland Security
Ranking Member, Subcommittee
on Oversight, Investigations, and
Accountability
U.S. House of Representatives

Chairman Bishop and Ranking Member Ivey,

Thank you both for inviting myself and our fellow colleagues to join you all on this critical hearing to discuss America's northern border. I would also like to thank Congresswoman Stefanik, Congressman Stauber, and Congressman Higgins for their service and testimony today. Northern border security is an issue that has been ignored for far too long. I am so pleased to see the Committee giving our northern communities, northern border agents, and northern Members a voice in protecting all regions of our homeland.

I have had the distinct pleasure of representing Pennsylvania's Northwest communities in the U.S. House for the last twelve years. I have made it my mission to actively engage with all different sectors of our area: companies, schools, families, and hardworking Pennsylvanians. Among those hardworking Americans are our incredible Customs and Border Protection agents. We are blessed to have these brave men and women of the CBP Buffalo Sector patrolling the waters of Lake Erie, including the 40+ miles that I represent in Pennsylvania.

Throughout my twelve years serving the district, I have met with these agents to discuss their needs, priorities, and day-to-day operations out of their sector and station. Typically, our meetings are upbeat and swift. Reports are standard and the agents are optimistic. Last year, I once again visited the Erie station to chat with agents. This time was different. Agents had serious concerns. They were seeing a spike in drug and gun smuggling along their patrol area. At the same time, agents were forced to be inside at a desk doing digital processing work to assist with the influx of migrants in the south. Overall morale for these men and women was clearly low. This change in tone led to me and my team digging into what exactly was going on along the northern border.

Meanwhile down south, over the last two years, we have witnessed tragedies at our Southern border. Southern states have been overwhelmed with record illegal immigration, drug smuggling and crime that has continuously poured into the local communities. The Biden administration has sat back and watched these great states bear the brunt of disastrous and dangerous policies. Under the current administration, there seems to be no end in sight. Understandably, all the attention has been on the Southern border. At the same time, as we found out, America's Northern border has been ignored all while quietly facing its own crises.

According to Customs and Border Protection (CBP) data, in fiscal year 2022, US Border Patrol agents had 2,238 encounters at the northern border. Now, in just the first four months of FY23, encounters have skyrocketed to 2,856 and surpassed the total of last year's encounters. Agents continue to put themselves in harm's way to keep our communities safe, and this 475% increase in encounters from the first four months of FY22 is both unsustainable and symptomatic of this administration's broader failure to secure the border. As temperatures reach sub-zero levels and USBP agents conduct life-saving search and rescue missions, Secretary Mayorkas continues to insist that he is managing the border in a safe, orderly, and humane manner. However, our northern border is on track to see nearly 7,000 encounters in FY23, while the administration continues to downplay the threat posed by a wide-open northern border.

Specifically, the Swanton sector apprehended more undocumented immigrants in the previous four months than the last two fiscal years combined. In December 2022, a record 441 migrants from 19 different countries were apprehended attempting to cross into the U.S. through this sector. Further west, tragic stories, like an Indian family of four freezing to death as they attempted to cross into North Dakota, highlight the dangers DHS leaders have created for migrants and the brave men and women of USBP.

In addition to increases in illegal immigration, the northern border has seen a spike in drug smuggling. Excluding marijuana, drug smuggling seizure weight increased by nearly 600% along the northern border from FY21 to FY22. More specifically, khat increased 1,756%, ecstasy increased 1,736%, ketamine increased 663%, and methamphetamine increased 204%. Even more concerning, CBP seized 14 pounds of fentanyl in FY22 along the northern border; enough to kill an estimated 3.17 million people. The damage this lethal drug can do to a community has been well-documented over the years, notably across New England states. We cannot allow another avenue for fentanyl smuggling into our communities that are already inundated by the drug crisis down south.

As record levels of border encounters and drug smuggling continue to rise, USBP staffing on the northern border has remained relatively static. In between the 138 ports of entry in our northern states, only 2,019 USBP agents have been assigned to protect and monitor the 5,525 border miles. Along with being under-staffed, our northern border agents and DHS does not even have situational awareness of the crises. In a 2019 analysis, the U.S. Government Accountability

Office (GAO) stated DHS does not even have performance measures to assess security along the northern border. GAO concluded, “While CBP has performance measures...some of which include data from the Northern border, it does not have specific measures to assess its effectiveness at securing the Northern border between ports of entry.”

Not only do our states in the north face an ever-growing border concern, but we have firsthand knowledge and real-life experience of the broken immigration system. The Biden administration spent much of the last two years covertly dropping groups of migrants into communities across the country. This hit home when Health and Human Services shipped 144 unaccompanied migrant children to an emergency intake site in Erie, Pennsylvania. There was no notification or alert given to local leaders, the people of Erie, and myself. For months, we tried to get information regarding the situation – why was the Erie site chosen, what was the amount of taxpayer money spent, and where were these children taken following Erie? It took 17 months to get an answer from HHS and Secretary Becerra. Time after time, it has become clear to me that this administration is fine with security issues along our border and within our country as long as the headlines do not follow.

Once we understood the increasing issues along our northern border, we knew attention had to be brought to the problems. I circled up with fellow northern border members, such as Rep. Stefanik and Rep. Ryan Zinke. I thought I would be introducing them to these issues, but they were more than aware, bringing along stories of migrants freezing to death in the cold New York winters and deputized posses patrolling the Montana mountainside to combat drug traffickers.

We all agreed the Biden administration had to be held accountable for their neglect to our northern border and that is why we introduced the Northern Border Security Caucus. The caucus is a coalition of 29 members of Congress who share the vision of securing all of America’s borders and ensuring that the 13 border states and five Great Lakes in the north are receiving the attention and resources they deserve. Through the work of our new caucus, and that of House Republicans at large, we plan to show the Biden administration that our broken immigration system isn’t simply a talking point: it’s a critical issue that affects our entire country.

By calling attention to the northern border, we do not want to minimize the record illegal immigration, drug smuggling and crime that have ravaged communities along the U.S.-Mexico border. Instead, we are amplifying that message. More must be done to secure all of our borders; to protect our communities from deadly drugs; and to give leaders from northern states a greater voice in solving our nation’s troubled immigration system.

Although we serve on House committees that address policies other than immigration, like so many in Congress, this issue found us. Members of Congress from both the north and the south have practical solutions to the joint border crises at hand. We plan to give a greater voice to the American people who, until now, have been left out of the conversation. I once again thank the

Committee for welcoming myself and my fellow colleagues to testify on the issues facing America's northern border.

Good Morning/Afternoon, Mr. Chair, members of the Committee,

My name is Robert Quinn, I am the Commissioner of the New Hampshire Department of Safety which oversees the New Hampshire Divisions of State Police and Homeland Security. By way of background, I was a sworn law enforcement officer for 30 years with the New Hampshire State Police culminating with my appointment as the Colonel before eventually becoming the Commissioner of the Department.

I have been invited here today to testify about New Hampshire's recent efforts to augment and support the humanitarian crisis that appears to be building along the Canadian border in our neighboring states. New Hampshire shares an international border with Canada that is over fifty (50) miles long and lies within what is known as the U.S. Border Patrol's Swanton Sector. The Swanton Sector includes the border area containing New Hampshire, Vermont, and a small portion of New York.

Just this past Friday, I had the fortune of touring our northern border in New Hampshire and meeting some of the excellent State, local, and federal law enforcement officers who work along the border. New Hampshire is unique in that the vast majority of the border consists of State Forest land accessible through one main road and an intricate system of forest roads built for logging companies, and snowmobile and ATV enthusiasts. Many of these roads are not on GPS maps, touch the northern border, and can only be traversed by off-road vehicles. In the winter, the terrain is cold, snow bound, and difficult to travel using conventional vehicles. I learned on Friday that Pittsborough, NH, which is the town along the border, is the largest town by

area in New England with 281.3 square mile of vast mountainous terrain and overseen by a part time Chief and one part time officer. Just for perspective, I was told that it takes over an hour to reach the closest hospital to the border. As with most northern border states, travel times can greatly increase based on local weather conditions.

On January 25, 2023, the U.S. Border Patrol announced that the Swanton Sector witnessed a 743% increase in apprehensions and encounters in the first quarter of the federal fiscal year 2023 when compared to the same period a year ago. Apprehensions and encounters from October to December increased from 136 in 2021 to 1,146 in 2022 exceeding the 1,065 apprehensions and encounters for all of 2021. As of early March 2023, the total number of apprehensions in this area was 2,227. While this amount appears small in comparison to numbers experienced at the southern border, this is a large and unexpected increase for a very remote area of the country with few resources available to address. To be clear, although New Hampshire has seen an increase in crossings, we have not yet seen the large increase that Vermont is presently experiencing. However, as more resources focus on the Vermont border, I believe that it is only a matter of time for New Hampshire to experience the same or similar increases.

During my recent visit to the border, I met with the State Police Troop Commander who is responsible for patrolling the north country. He indicated that it is important to be aware that many non-citizen migrants are victims of human trafficking. During my conversations with the local police chief and the residents I learned many are generally nervous due to reports of increased activity and significant drug seizures in recent years. I spoke with an individual who was concerned and nervous when she returns home after work that increased border crossing will result in individuals trespassing on her property.

New Hampshire is not waiting for this crisis to cause further impact to our State. Without complete operational control at the New Hampshire border, we leave our residents at increased risk. Under the leadership of Governor Chris Sununu, our State started taking steps to address the crisis in January. As I understand from New Hampshire Attorney General's Office, the United States Supreme Court has placed constitutional limits on what types of border protection laws they can enact on their own. However, under existing federal law, US Department of Homeland Security has the ability to deputize state and local law enforcement officers with the authority to enforce several federal immigration laws by entering into an agreement under 8 U.S.C. §1357 (g). This is sometimes referred to as a Section 287(g) agreement or a "I.C.E. Delegation Agreement." From our perspective, it is critical that Homeland Security delegate its authority to our State Police to detain and apprehend those who are crossing the border illegally in our State.

We started the process to obtain such a delegation back in early February, culminating with a letter dated February 17, 2023, in which we formally requested that the federal government delegate its authority to enforce federal border security laws. On that same day, we received a response explaining that no agreement could be entered into due to a national freeze on all delegation agreements and that no one-off custom agreements were authorized either. Unfortunately, two (2) days later we received word that a migrant passed away while attempting to cross the border in the Swanton Sector. Although that occurred in Vermont, we certainly want to use every public safety resource available we can to prevent that from happening in New Hampshire.

Our troopers are accustomed to having a presence along the border and are among the most professional and dedicated law enforcement officials in the country and since they have experience along the border, I believe that it would be seamless for them to augment the border

security effort through a Delegation Agreement. After we received a denial from Homeland Security at the regional level, Governor Sununu spoke with Homeland Security Secretary Mayorkas about this and sent a letter directly to him, asking his department to enter into such an agreement. To date Homeland Security has not granted our state a delegation agreement and no one from his Department has reached out to any State officials to begin drafting such an agreement.

There is one other request that we have made of the Department of Homeland Security that has not yet been addressed. Since approximately 2011, State Police has assisted in patrolling the northern border through a grant funded by F.E.M.A., another agency within the Department of Homeland Security, by participating in what is known as Operation Stone Garden. Operation Stone Garden is a joint task force where state, county, and local law enforcement officers partner with the US Border Patrol to conduct joint patrols along New Hampshire's border with Canada. Last year, State and local participants requested collectively approximately \$337,000 for additional border patrol details and funds to purchase three (3) all-terrain vehicles for state and local law enforcement agencies. Homeland Security denied this request for additional resources, including the vehicles, and instead level funded (with the 2021 grant year) the Stone Garden Grant at \$180,000. In his letter to Secretary Mayorkas, Governor Sununu requested that his Department reconsider this decision to give our state, county, and local law enforcement officers the funds and tools needed to help protect the border in this Operation.

We believe it is imperative to quickly respond to today's crisis with enhanced border security and prevent any further loss of life and limit illicit activity along our border. New Hampshire cannot fully unlock its resources for this effort without the help of the leadership at Homeland Security. I cannot emphasize enough that the I.C.E. and Border Patrol Agents

working along the New Hampshire border are hard-working and doing the best they can. New Hampshire law enforcement stands by ready to assist them just as soon as Homeland Security authorizes a Delegation Agreement and provides the requested increase in funding for Operation Stone Garden.

In the meantime, our Governor, in his 2024/2025 budget has proposed dedicating approximately one million four hundred thousand dollars (\$1,400,000) toward the creation of a Northern Border Alliance Program. If enacted, this program will establish a task force of state, county, and local law enforcement officers to patrol the roads, highways, and state forest land along the border to detect and deter illegal activity and to prevent any further escalation of the humanitarian crisis facing our borders.

We believe all of the above efforts, done in conjunction with one another, will prevent the northern border crisis from escalating within New Hampshire's borders.

Thank you for your time and attention to this important matter. I am happy to take any questions.

Congress of the United States
House of Representatives
Washington, DC 20515

March 24, 2023

Thank you, Chairman Green, Ranking Member Payne, Members of the Oversight, Investigations, and Accountability Subcommittee, for the opportunity to appear before you all today and testify on the crisis on our Northern Border.

While a lot of attention, rightfully so, has been paid to our Southern Border, our Northern Border is also facing a crisis. The U.S.-Canada border is the longest international border between two countries in the world. Recent news reports, along with data compiled over the past two years, show a surge in illegal migrant crossings and drug trafficking across the Northern border. Specifically, in the North Country sector of the border, which I partially represent, there has been an 846% increase in illegal border crossings. As the national security threat at our Northern Border continues to grow exponentially, there has been no corresponding increase in U.S. Border Patrol staffing, which is still at the same level as it was in Fiscal Year 2009.

I am honored to represent New York's 24th Congressional District, which runs along our Northern Border with Canada across Lake Ontario and the St. Lawrence River. This crisis is directly harming my constituents, as drugs and illegal aliens are trafficked along the border.

Under President Biden's failed leadership, our borders are less secure and our communities are at risk. It is critical now more than ever for members of Congress to come together with one voice to advocate against President Biden and Secretary of Homeland Security Alejandro Mayorkas' reckless policies and to focus on delivering the resources needed for our brave Border Patrol agents at our Northern Border to do their jobs effectively.

Since President Biden has taken office there has been an almost 15 times increase in Northern land border encounters. There were only 997 Northern land border encounters in January 2021. But that number has increased each month since. In the month of October 2022, there were 15,938 Northern land border encounters. In FY2020, there were 32,376 border encounters. In FY2022, there were 109,535 encounters. Under the Biden administration, drug smuggling has increased by 596% along the Northern border, including a 26% increase in fentanyl.

Border Patrol staffing has remained flat since Fiscal Year 2009. Since Fiscal Year 2009, staffing levels along the Northern border sectors have been between 1,887 and 2,263 personnel. FY2020 Northern border sector staffing was 2,019. The longest international border in the world, measuring 5,525 miles, the U.S. Northern border has only 115 ports of entry with no performance measures to assess security between ports. This is especially important in my district, which shares a considerable border with Canada across Lake Ontario. Numerous traffickers utilize this large expanse of water to bypass more heavily guarded sections of the border, funneling drugs into our communities.

Just a few weeks ago I had the opportunity to meet with our Buffalo Border Patrol agents, and they discussed the many issues they are facing. However, by far, the biggest challenge these public servants face is the lack of resources and assistance to effectively do their jobs. For example, under Secretary Mayorkas, each border sector must individually apply and receive permission to perform counter-Unmanned Aerial Systems (C-UAS) operations. It took Secretary Mayorkas roughly three weeks to approve the Buffalo Border Sector to perform C-UAS operations. During this time, drug smugglers continued to use UAS to traffic fentanyl and other drugs across the border that directly harms our communities.

Once again, I appreciate the opportunity to testify in front of the committee and I am glad to see the Northern Border crisis finally getting the attention it deserves.